

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2025/61/90838/E

Site Address: Land Adj, 264, Barnsley Road, Flockton, Huddersfield, WF4 4AJ

Description: Reserved matters application pursuant to outline permission 2024/92066 for erection of one dwelling

Recommending Officer: Edward Cheseldine

DECISION – Reserved Matters - Approved

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 10-Jun-2025

Officer Report

2025/90838 - Land Adj, 264, Barnsley Road, Flockton, Huddersfield, WF4 4A

Site Description

Land adjacent to 264 Barnsley Road is a small plot of land, ~25.00m(w) x ~8.30m(d). It is currently a section of grassland with wild seeded shrubs. There is a single-storey wooden building on site, which is positioned on the eastern aspect of the site. To the north rests Barnsley Road, a primary A road. To the east and south rests agricultural fields which are in the Green Belt. To the west are residential dwellings.

Description of Proposal

This is a reserved matters application pursuant to outline planning approval 2024/92066 for residential development. Matters of appearance, landscaping and scale are reserved with layout and access approved under the outline application.

Plans show a two-storey, detached dwelling with a turning area and two car parking space. There is a curtain of residential space to the rear and side of the property. The dwelling is rectangular in footprint, with a pitched roof and gable-end porch. The dwelling measures 5.90m(w) x 9.00m(l) with an eaves height of 5.50m and a ridgeline height of 7.70m. Materials will be reconstituted stone walling and smooth grey concrete roof tiles.

History of negotiations/amendments received

A boundary plan was requested as per Condition 4 of outline permission 2024/92066.

Relevant Planning History

2024/92066 – Outline application for erection of dwelling – Outline permission granted

Representations

This application was advertised by way of a site notice, which expired on 28 May 2025.

As a result of the publicity, one comment was received:

- Visibility for emerging drivers will be extremely poor. This will have obvious road safety implications. Due to the restricted scope to position the egress and no scope to adjust the route of the road or does not appear that this can be safely overcome.

These comments will be assessed within the *Highway Safety* section of the report and concluded with the *Representations* section of the report.

Consultation Responses

The Mining Remediation Authority – No objection, condition 8 of reserved matters application is deemed discharged.

KC Environmental Health – No objection, condition relating to the implementation of noise attenuation measures set out in Noise Assessment authored by RPA Acoustics dated 22 January 2025 Ref CDIS/1337/25/407 V1.0.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- UK Gov. Biodiversity Net Gain Technical Advice Note.
- Kirklees Housebuilders Design Guide SPD (2021).

Assessment

The following matters are considered in the assessment below –

- 1) Principle of Development
- 1) Impact on Visual Amenity
- 2) Impact on Residential Amenity
- 3) Impact on Highway Safety
- 4) Other Matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is not displayed as allocated on the KLP Policies Map. Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

The principle of erecting a new residential development on this site, including the layout, was assessed and considered acceptable under outline application 2024/92066. This application considers appearance, landscaping and scale reserved matters to compliment the outline.

In respect of the above, the quantum of development is considered acceptable although a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well-designed places) whereby paragraph 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*

- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

The site is located on the edge of the Green Belt. Agricultural fields rest to the south, the land of which is relatively flat. Residential development relates to late 20th century properties to the north and more traditional buildings to the west. The adjacent building is marked as a ‘Police Station’ on the 1992 County Series OS map. The plot relates to this dwelling as it continues the building line on Barnsley road. The old Police Station has a rectangular form and pitched roof. It has been converted into a domestic dwelling.

The application building will encompass a rectangular footprint with a pitched roof and fenestration similar to the adjacent building. A stone boundary will be formed on the north of the site, providing a rural appearance that relates to the edge of development location.

Principle 4 regards density in a scale, paragraph 7.2 states, *‘Density should positively respond to the scale, form and massing of the surrounding locality’*.

The dwelling sits relatively independent from other dwellings, due to its location and position within the plot. In terms of scale, it is relative to the semi-detached dwellings to the north. The old Police Station is a large building due to its former non-domestic use. The application building is designed with a high-pitched roof. In terms of scale, it will appear relative to the adjacent property.

Principle 5 of the Kirklees House Builders Guide SPD relates to positioning in terms of coherence, frontages and the surrounding area.

The position of the dwelling has been confirmed at outline stage, matters of appearance include the relationship of the building with the streetscene and the surrounding area. The dwelling will be positioned with a modest separation to the footpath due to the constraints of the site. Its amenity space is situated to the west of the site. The layout of the site has previously been approved at the outline planning stage, the design of which continues the row of buildings along Barnsley Road.

In terms of landscaping features, boundary treatments a stone wall will be position to the front of the dwelling adjacent to Barnsley Road. The boundary treatment is simplistic and continues the adjacent stone wall.

A planting scheme has been indicated on the plans where possible, it includes heading and shrubs, given the constraints of the site, the soft landscaping scheme is suitable in terms of appearance.

Principle 8 of the Kirklees Housebuilders Design Guide SPD states *the transition from urban to open land should be carefully considered where development is located on the edge of the urban area.*

The dwelling sits on the edge of open fields. The stone wall will be retained at a level of 1.00m. The southern aspect of the plot will not contain boundaries, although it is noted there is a change in land levels, providing a flow into the surrounding fields

Principle 13 of the Kirklees Housebuilders Design Guide SPD states that applicants should *consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.*

There is a mix of materials within the area, including brick, render and pebble-dash. Concrete roof tiles and stone slates are present. The dwelling will include reconstituted stone and concrete roof tiles. It is not considered, given the mix of materials, the introduction of stone will harm the character of the area. The plot rests on the edge of development. It will be distinctive due to its positioning alone, therefore the use of materials will not harm the character of the area.

Principle 14 of the Kirklees Housebuilders Design Guide SPD notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

An entrance way will be formed leading from the hardstanding surface at the west aspect of the plot. Barnsley Road is a busy thoroughfare with fleeting traffic. The inclusion of a side entrance will not harm the character of the area given the plot is set on a busy road.

The elevation facing the road will have two small windows. The old Police Station includes simplistic fenestration on its side elevation, which the appearance of this property replicates to a degree, which is suitable given its roadside position. The south facing elevation contains a more detailed design due to the fenestration, although it still appears simplistic with modest sized openings. In consideration of the placement of the dwellings, adjacent to the Green Belt, the window placement and therefore detail is considered to respect its surroundings.

Principle 15 states that the design of the roofline should relate well to site context.

A pitched roof will be formed along the x axis of the plot, relating to the old Police Station, which is preferable.

Taking this all into consideration, Officers consider that the proposal would not cause detrimental harm to the visual amenities of the locality, subject to conditions. The proposal is therefore considered to be in accordance Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on Residential Amenity

Section B of LP24 states that alterations to existing buildings should:

‘...minimise impact on residential amenity of future and neighbouring occupiers.’

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”* The SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

The properties that meet the distance requirements will be 262 Barnsley Road and 1 Chessington Drive.

Impact on 262 Barnsley Road

262 Barnsley Road is located to the west of the plot. There is a side elevation window on the property, which is obscurely glazed. Private outdoor amenity space falls to the south of the dwelling. The application property includes west facing window, including at a first-floor level, these light habitable rooms. The distance between the west facing windows at private outdoor amenity space is approximately 17.00m, there is an acute outlook towards the outdoor space. Given the relationship, the distance and angle of outlook are suitable in mitigating the impact so that a detrimental impact to privacy will not result from the development.

Due to distance, there will not be a loss of light, outlook or an overbearing impact.

Impact on 1 Chessington Drive

1 Chessington Drive is located to the north of the dwelling, on the opposite side of Barnsley Road. It contains southward facing windows that are though

to light habitable rooms. There is mild gradient to the land, therefore the dwelling sits at a higher position than the application dwelling. Windows on the application dwellings on the north facing elevation light a w/c area and a landing. In consideration of the privacy of the occupants of the dwelling and 1 Chessington Drive, it will be conditioned that all w/c / bathrooms windows are obscurely glazed. A landing is classed as a non-habitable room, therefore it is not considered the window will be to the detriment of privacy to 1 Chessington Drive.

Due to distance, there will not be a loss of light, outlook or an overbearing impact.

The proposed development is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b), the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Impact on Highway Safety

Policy LP21 states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

The proposed access and the impact on highway safety was carefully assessed and considered acceptable under application 2024/92066. This application is a reserved matters application for scale, appearance and landscaping and would not alter the proposed parking arrangement or access. In the event that permission be approved, it is recommended that it be conditioned that the parking areas are finished in permeable surfacing.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

Environmental Matters

Historic Coal Legacy

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 198 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The applicant submitted Rotary Drilling Report, authored by MDJA, dated March 2025, ref: 4438. It was assessed in terms of complying with condition 8 of outline permission 2024/92066. The Mining Remediation Authority were

consulted. They concluded the requirements of Condition 8 of the issued consent to have been satisfactorily addressed, in terms of coal mining legacy related land instability matters.

Noise

Kirklees Local Plan Policy LP52 ensures the protection of development from noise or disturbance from nearby noise generating sources.

Outline permission 2024/92066, condition 7 required the submission of a noise report. The applicant submitted a Noise Assessment authored by RPA Acoustics dated 22 January 2025 Ref CDIS/1337/25/407 V1.0. The report was assessed by KC Environmental Health, they concluded the findings of the report are acceptable and a compliance condition was recommended to secure the mitigation measures. In order to satisfy the requirements of LP52 the compliance condition is recommended to be attached to the decision notice should the permission be approved.

Representations

It has been considered whether the objections brought forward would have a material weight to the decision for planning permission.

Material weight has been considered for the following, assessments are concluded in the paragraphs above;

Highway Safety

- Visibility for emerging drivers will be extremely poor. This will have obvious road safety implications. Due to the restricted scope to position the egress and no scope to adjust the route of the road or does not appear that this can be safely overcome.

Officer Comment: The access was previously assessed by KC Highways under outline application reference 2024/92066. They concluded the entrance would observe sufficient visibility splays, so long as the splays were cleared of obstructions above 1.00m in height. The front boundary has been indicated on Boundaries Plan RevB indicates the stone wall shall be erected 1.00m in height retained visibility for access. Condition 9 of 2024/92066 is a compliance condition that will remain in place for the lifetime of the development.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the

proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2025/90838

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with the aims of Policies LP1, LP2, LP7, LP11, LP20, LP21, LP22, LP24, LP30, LP47, LP52 and LP53 of the Kirklees Local Plan, the aims of the Housebuilders Design Guide, and Chapter 2, 5, 9, 12 and 15 of the National Planning Policy Framework.

3. This Reserved Matters approval relates to development for which outline permission was granted under application reference 2024/92066 decision date 28 October 2024. The development shall be carried out in strict accordance with the conditions set out in the outline planning permission, except as modified by this permission.

Reason: For the avoidance of doubt and to ensure that development complies with the requirements and conditions of the outline permission and the approval of reserved matters.

4. The external walls and roofing materials of the development hereby approved shall be formed of stone walling materials and concrete grey roof tiles.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of chapter 12 of the National Planning Policy Framework.

5. Before the development is first brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP22 of the Kirklees Local Plan.

6. The development shall not be occupied until the W/C windows in the dwelling hereby approved has been obscurely glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan Principle 6 of the Kirklees Housebuilders SPD and the aims of the National Planning Policy Framework.

NOTE Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Note: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location plan / Block plan	-	-	27 March 2025
Proposed block plan	-	-	27 March 2025
Proposed grouped plans	IB	-	27 March 2025
Proposed boundary plan	1 Land	RevB	01 June 2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

A boundary plan was requested as per Condition 4 of outliner permission 2024/92066.